

## REMARKS/ARGUMENTS

Claims 1-14, 17-28, 30, 32 and 33 remain in this application. Claims 1, 11, 26 and 30 have now been amended, without introducing new matter. Claims 15, 16, 29 and 31 have now been canceled.

### 1. Objection to the Claims

Claim 7 stands objected to by the Examiner as being a substantial duplicate of claim 6. Applicant respectfully disagrees that these two claims are "so close in content that they both cover the same thing".

Claim 7 includes the limitations that ***the second image data comprises second feature characteristics***, and the processor is further operable to extract first feature characteristics from the first image data and to compare the first feature characteristics to the second feature characteristics to determine the authentication information. (Emphasis added.)

Claim 6 includes the limitations that ***the processor is further operable to extract*** first feature characteristics from the first image data and ***second feature characteristics from the second image data***, and to compare the first feature characteristics to the second feature characteristics to determine the authentication information. (Emphasis added.)

As shown above with emphasis, claim 7 includes the limitation that the second image data comprises second feature characteristics, while claim includes the limitation that the processor is further operable to extract...second feature characteristics from the second image data. These limitations are not drawn to identical subject matter. Accordingly, Applicant respectfully requests withdrawal of the objection to claim 7.

2. Rejection of Claims 1-18, 22-31 and 33 Under 35 U.S.C. 102(b)

Claims 1-18, 22-31 and 33 stand rejected under 35 U.S.C. 102(b) as being anticipated by Janiak et al. (U.S. Patent Application Publication No. 2002/0030581 A1; referred to herein as "Janiak".)

Claim 1, as amended, calls for **a biometric data card, comprising an image sensor** for capturing an image of a biometric feature of a user of the biometric data card and producing first image data representing the image, a memory operable to store second image data, and a processor in communication with the image sensor and the memory, the processor operable to perform a comparison of the first image data with the second image data, and, to generate, in response to the comparison, authentication information representative of an authentication of the user, wherein the processor is configured for transmitting the authentication information through a card interface in a terminal so as to authenticate the user to **the terminal separate from the image sensor, the memory, and the processor**. (Emphasis added.)

As disclosed in the specification as originally filed on page 4, lines 9-12, the present invention enables accurate biometric authentication to be performed by the smart card, which makes the card more resistant to attack. In addition, by keeping all of the biometric image data representing the biometric feature in the card, the card is able to perform secure biometric authentication. In other words, the terminal, as it does not capture biometric image data, is less likely to be used to steal the user's biometric information with the image sensor disposed on the card rather than the terminal.

Janiak discloses a biometric device, i.e., a terminal, having a fingerprint sensor as part of the biometric device rather than within the data card. As such, the terminal and the image sensor are part of the same device, and Janiak teaches away from the present invention as claimed in that its data card does not have an image sensor. Accordingly, claim 1 is allowable.

Claims 2-10 depend either directly or ultimately from claim 1, and are believed to be allowable for at least the same reasons.

Claim 11, as amended, calls for a terminal for authenticating a user of the terminal, comprising an optical element optically coupled to an optical interface via an optical path, the optical element operable to form an image of the biometric feature from the reflected light and to direct the image onto ***an image sensor within the biometric data card.*** (Emphasis added.)

As discussed above, Janiak does not disclose an image sensor within a biometric data card. Janiak teaches away from the present invention in that its imaging sensor is within the terminal rather than the data card. Accordingly, claim 11 is allowable.

Claims 2-18 and 22 depend either directly or ultimately from claim 11, and are believed to be allowable for at least the same reasons.

Claim 23 calls for a system for authenticating a user, comprising ***a biometric data card including an image sensor*** for capturing an image of a biometric feature of the user and for producing first image data representing the image, the biometric data card operable to perform a comparison of the first image data with second image data, and, to generate, in response to the comparison, authentication information representative of an authentication of the user. (Emphasis added.)

As discussed above, Janiak does not disclose a biometric data card including an image sensor. Janiak teaches away from the present invention in that its terminal, rather than the data card, includes an imaging sensor. Accordingly, claim 23 is allowable.

Claims 24 and 25 depend directly from claim 23, and are believed to be allowable for at least the same reasons.

Claim 26, as amended, calls for a method for authenticating a user using a biometric data card, the method comprising capturing an image of a biometric feature of a user ***on an image sensor in the biometric data card.*** (Emphasis added.)

Janiak does not disclose a method for authenticating a user which includes capturing an image of a biometric feature of a user on an image sensor in the a biometric card. Janiak teaches away from the present invention in that its images of biometric features are captured on an image sensor in a terminal rather than in a data card. Accordingly, claim 26 is allowable.

Claims 27-31 and 33 depend either directly or ultimately from claim 26, and are believed to be allowable for at least the same reasons.

### 3. Rejection of Claims 19-21 and 32 Under 35 U.S.C. 103(a)

Claims 19-21 and 32 stand rejected under 35 U.S.C. 103(a) as being anticipated by Janiak as applied to claim 11 above and further in view of Angelo (U.S. Patent No. 6,182,892 B1; referred to herein as "Angelo").

As discussed above, claim 1, as amended, calls for **a biometric data card, comprising an image sensor** for capturing an image of a biometric feature of a user of the biometric data card and producing first image data representing the image, a memory operable to store second image data, and a processor in communication with the image sensor and the memory, the processor operable to perform a comparison of the first image data with the second image data, and, to generate, in response to the comparison, authentication information representative of an authentication of the user, wherein the processor is configured for transmitting the authentication information through a card interface in a terminal so as to authenticate the user to **the terminal separate from the image sensor, the memory, and the processor**. (Emphasis added.)

Angelo discloses a card with an optical path to transmit a image to a CCD array in a live-scan device. As such, Angelo also teaches away from the present invention as claimed in that the CCD array is disposed in the terminal, which is referred to as the live-scan device, rather than in a data card.

Claims 19-21 depend directly from claim 11, which is discussed above in Item 2. Claims 19-21 are allowable for at least the same reasons as claim 11.

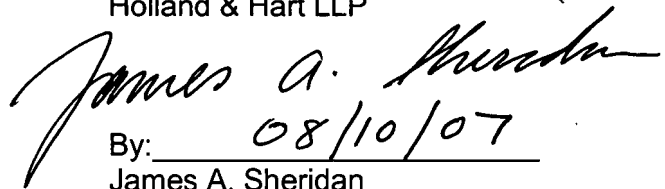
Claim 32 depends directly from claim 26, which is discussed above in Item 2. Claim 32 is allowable for at least the same reasons as claim 26.

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Conclusion

In light of the amendments and remarks provided herein, Applicant respectfully requests the timely issuance of a Notice of Allowance.

Respectfully submitted,  
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By: 08/10/07

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